

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Curtis Antonio Moore,

Civil No. 09-2667 (RHK/JJK)

Petitioner,

ORDER

v.

Jessica Symmes, Warden,

Respondent.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Jeffrey J. Keyes dated November 15, 2010. No objections have been filed to that Report and Recommendation in the time period permitted. Based on the Report and Recommendation of the Magistrate Judge, on all of the files, records, and proceedings herein, the Court now makes and enters the following Order.

IT IS HEREBY ORDERED that:

1. Petitioner's Objections (Doc. No. 29) are **OVERRULED**;
2. The Report and Recommendation (Doc. No. 26) is **ADOPTED**;
3. Petitioner's Petition Under 28 U.S.C. § 2254 for a Writ of Habeas Corpus by a Person in State Custody (Doc. No. 1), is **DENIED**; and
4. This action is **DISMISSED WITH PREJUDICE**.

The Court declines to issue a Certificate of Appealability.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: December 15, 2010

s/Richard H. Kyle

RICHARD H. KYLE

United States District Judge